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09/200,430	11/27/1998	KAORU YAMAMOTO	041465-5053	4823

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MORGAN LEWIS & BOCKIUS LLP  
1111 PENNSYLVANIA AVENUE NW  
WASHINGTON, DC 20004

EXAMINER

ONUAKU, CHRISTOPHER O

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 01/02/2004

18

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/200,430

Applicant(s)

Yamamoto et al

Examiner

Christopher O. Onuaku

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Sep 22, 2003
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 17
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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## **DETAILED ACTION**

### ***Continued Examination Under 37 CAR 1.114***

1. A request for continued examination under 37 CAR 1.114, including the fee set forth in 37 CAR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CAR 1.114, and the fee set forth in 37 CAR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CAR 1.114. Applicant's submission filed on 9/22/03 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed 1/9/03 have been fully considered but they are not persuasive.

Applicant argues that Sakai does not disclose, teach or suggest the "first management information for the first reproduction apparatus" and the "second management information for the second reproduction apparatus". Examiner disagrees.

Claims 1 recites first reproduction control information to reproduce the video information and the audio information out of the substantial information for a first reproduction apparatus with video and audio reproduction ability. As shown by Sakai, the control information reads on the control code that correspond together to the audio and video signals during the simultaneous reproduction of the video signal with the audio signal, and this control code also reads on the

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claimed first management information for the first reproduction apparatus (see Sakai, page 6, lines 10-17).

Furthermore, claim 1 recites second reproduction control information to reproduce only the audio information out of the substantial information for the second reproduction apparatus with audio only reproduction ability. Again, as shown by Sakai, this control information reads on the control code that corresponds to the audio signal during the reproduction of the audio signal only, and this control code reads on the claimed second management information for the second reproduction apparatus (see Sakai, page 6, lines 10-17).

Applicant's argument that Sakai fails to disclose VTSI, VMG, ATSI and AMG are irrelevant because VTSI, VMG, ATSI and AMG are not in the claims.

Examiner's response to applicant's arguments to claim 1 above accommodates the response to similar applicant's arguments with respect to other independent claims 6-11&20-23.

The rejections are, therefore, maintained.

***Claim Rejections - 35 U.S.C. § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakai (GB 2 225 147).

Regarding claim 1, Sakai discloses an electronic still camera which can distinguishably indicate the picture signal and the sound signal during recording and reproducing, comprising:

- a) information record medium ( see Fig.1&3, magnetic disc 15);
- b) substantial information including video information (picture signal) and audio information (sound signal) which are related to each other ( page 10, line 26 to page 11, line 21);
- c) first reproduction control information to reproduce the video information and the audio information out of the substantial information for a first reproduction apparatus with video and audio reproduction ability, including first management information for the first reproduction apparatus ( see the sound control code and the picture control code, respectively and the simultaneous reproduction operation of the sound and picture signals, page 12, lines 18-27); here the sound control code and the picture control code (claimed first management information for the first reproduction apparatus), respectively, are used to identify the sound signal and the picture signal during the playback operation, and read on reproduction control information, since the sound control code and the picture control code, respectively, facilitate the playback operation. Furthermore, the display of "AUDIO" and "VIDEO" by the LCD panel 34 during the simultaneous audio video playback shows that this is the claimed "first reproducing apparatus" that reproduces the audio and the video signals together;

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d) second reproduction control information to reproduce only the audio information out of the substantial information for a second reproduction apparatus with audio only reproduction ability, including second management information for the second reproduction apparatus ( see the sound control code (claimed second management information for the second reproduction apparatus) and the sound reproduction operation, page 12, lines 9-17), here only the audio signal is reproduced. Furthermore, the display of "AUDIO" by the LCD panel 34 during the audio playback shows that this is the claimed "second reproducing apparatus" that reproduces only the audio signal the video;;

e) wherein the substantial information, the first reproduction control information and the first management information are recorded in the video zone (see page 6, lines 15-17, wherein upon recording, when the sound signals are recorded together with the picture signal, the corresponding control code is simultaneously recorded in a sector/video zone), and the second reproduction control information and the second management information are recorded in the audio zone (see page 6, lines 11-13, wherein upon recording, when the sound signals are recorded, the corresponding control code concerning the time mode etc is simultaneously recorded in a sector/audio sector), here the control code corresponding to the audio signal recorded together with the video signal, and the corresponding control code recorded together with the sound signal, constitute the first and second reproduction control information, respectively.

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It is pertinent to point out that Fig.4 shows the format of recording in the different zones of the magnetic disc 15 (see page 7, lines 12-17), wherein upon recording the sound signal onto the magnetic disc 15 through the sound record and playback circuit 42, a start flag and a control code are recorded before the sound signal for every sector, and an end flag is recorded after the sound signal, respectively. Similarly, upon recording the picture signal, the start flag, the control code, the picture signal and the end flag are recorded.

It is also pertinent to point out that the control codes for the sound and picture signals serve as the management information and the reproduction control information.

Regarding claim 2, Sakai discloses wherein the first reproduction control information and the second reproduction control information prescribes a reproduction of a same portion of the substantial information ( see page 5, line 21 to page 6, line 17, and page 12, line 6 to page 13, line 3). Here whether only one of or both of the picture signal and the sound signal is or are recorded on the track of the magnetic disc 15 which is played back is indicated by the processing of the magnetic disc 15 and the control code deciphering portion 47

Regarding claim 3, Sakai discloses wherein:

a) the first reproduction control information divides the substantial information into a plurality of first information units and prescribes a reproduction control of the first information units (see control codes used to identify the sound and picture signals, respectively; when the

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picture signals are recorded, appropriate control codes are assigned to the picture signals; page 11, line 22 to col.12, line 5):

b) the second reproduction control information divides the substantial information into a plurality of second information units, which are different from the information units, and prescribes a reproduction control of the second information units (see control codes; when the sound signals are recorded, appropriate control codes are assigned to the sound signals; page.6, lines 10-17)

The control codes assigned to the sound signals and picture signal are different since the control codes are based on the type of signal (see .page 6, lines 10-11).

Regarding claim 4, Sakai discloses wherein the second reproduction control information prescribes a reproduction of the substantial information in a reproduction order which is different from that of the first reproduction control information with respect to a same portion of the substantial information ( see page 6, lines 10-17; and col.11, lines 28-30), here in a case of picture signal reproduction, the record (field or frame recording) mode is judged and in the case of the sound signal reproduction, the time mode is judged. Since during recording, the sound signal is recorded based on time mode, and the picture signal is recorded based on the recording mode, the sound signal reproduction order would be different from the picture signal reproduction order.



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Regarding claim 5, Sakai discloses another substantial information including only audio information recorded in the audio zone ( see page 6, lines 11-13, wherein upon recording, when the sound signals are recorded, the corresponding control code concerning the time mode etc is simultaneously recorded in a sector/audio sector), here only the sound signal and the corresponding control code are recorded in one sector/zone of the magnetic disc 15 of Fig.1.

Regarding claim 6, the claimed limitations of claim 6 are accommodated in the discussions of claim 1 above, and Sakai further discloses;

- a) an information reproducing apparatus ( see Fig.1);
- b) a reading device for reading the substantial information, the first reproduction control information and the second reproduction control information from the record medium ( see claim 1 discussions; additionally, see head 36 that reads the signals recorded on magnetic disk 15 during playback; page.11, lines 22-30);
- c) a reproducing device for reproducing the substantial information in accordance with the first management information and the first reproduction control information when a reproduction of the video information and the audio information is instructed, and reproducing the substantial information in accordance with the second management information and the second reproduction control information when a reproduction of only the audio information is instructed ( see claim 1 discussions; also see Fig.1, control codes and the control code deciphering portion 47; and page 11, lines 22-30).

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Regarding claim 7, the claimed limitations of claim 7 are accommodated in the discussions of claim 1 above, and Sakai further discloses;

- a) an information reproducing apparatus ( see Fig.1);
- b) a reading device for reading the substantial information and the first reproduction control information from the record medium ( see claim 1 discussions; additionally, see head 36 that reads the signals recorded on magnetic disk 15 during playback; page.11, lines 22-30);
- c) a reproducing device for reproducing the substantial information in accordance with the first management information and the first reproduction control information when a reproduction of the video information and the audio information is instructed ( see claim 1 discussions; also see Fig.1, control codes and the control code deciphering portion 47; and page 11, lines 22-30).

Regarding claim 8, the claimed limitations of claim 8 are accommodated in the discussions of claim 1 above, and Sakai further discloses;

- a) an information reproducing apparatus ( see Fig.1);
- b) a reading device for reading the substantial information and the second reproduction control information from the record medium ( see claim 1 discussions; additionally, see head 36 that reads the signals recorded on magnetic disk 15 during playback; page.11, lines 22-30);
- c) a reproducing device for reproducing the substantial information in accordance with the second management information and the second reproduction control information when a

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reproduction of only the audio information is instructed ( see claim 1 discussions; also see Fig.1, control codes and the control code deciphering portion 47; and page 11, lines 22-30).

Regarding claim 9, the claimed limitations of claim 9 are accommodated in the discussions of claim 1 above. Further, Sakai discloses information reproducing method for reproducing an information record medium comprising substantial information including video information and audio information which are related to each other; first reproduction control information to simultaneously reproduce the video information and the audio information out of the substantial information; and second reproduction control information to reproduce only the audio information out of the substantial information(see claim 1 discussions), the information reproducing method comprising ;

a) a reading process for reading the substantial information, the first reproduction control information and the second reproduction control information from the record medium (see claim 1 discussions; additionally, see head 36 that reads the signals recorded on magnetic disk 15 during playback; page.11, lines 22-30);

b) a reproducing process for reproducing the substantial information in accordance with the first management information and the first reproduction control information when a reproduction of the video information and the audio information is instructed, and reproducing the substantial information in accordance with the second reproduction control information when

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a reproduction of only the audio information is instructed ( see claim 1 discussions; also see Fig.1, control codes and the control code deciphering portion 47; and page 11, lines 22-30).

Regarding claim 10, the claimed limitations of claim 10 are accommodated in the discussions of claim 1 above. Further, Sakai discloses information reproducing method for reproducing an information record medium comprising substantial information including video information and audio information which are related to each other; first reproduction control information to simultaneously reproduce the video information and the audio information out of the substantial information; and second reproduction control information to reproduce only the audio information out of the substantial information(see claim 1 discussions), the information reproducing method comprising ;

a) a reading process for reading the substantial information and the first reproduction control information from the record medium (see claim 1 discussions; additionally, see head 36 that reads the signals recorded on magnetic disk 15 during playback; page.11, lines 22-30);

b) a reproducing process for reproducing the substantial information in accordance with the first management information and the first reproduction control information when a reproduction of the video information and the audio information is instructed ( see claim 1 discussions; also see Fig.1, control codes and the control code deciphering portion 47; and page 11, lines 22-30).

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Regarding claim 11, the claimed limitations of claim 11 are accommodated in the discussions of claim 1 above. Further, Sakai discloses information reproducing method for reproducing an information record medium comprising substantial information including video information and audio information which are related to each other; first reproduction control information to simultaneously reproduce the video information and the audio information out of the substantial information; and second reproduction control information to reproduce only the audio information out of the substantial information(see claim 1 discussions), the information reproducing method comprising ;

a) a reading process for reading the substantial information and the second reproduction control information from the record medium (see claim 1 discussions; additionally, see head 36 that reads the signals recorded on magnetic disk 15 during playback; page.11, lines 22-30);

b) a reproducing process for reproducing the substantial information in accordance with the second management information and the second reproduction control information when a reproduction of only the audio information is instructed ( see claim 1 discussions; also see Fig.1, control codes and the control code deciphering portion 47; and page 11, lines 22-30).

Regarding claim 12, the claimed limitations of claim 12 are accommodated in the discussions of claims 5&6 above.

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Regarding claim 13, the claimed limitations of claim 13 are accommodated in the discussions of claims 5&7 above.

Regarding claim 14, the claimed limitations of claim 14 are accommodated in the discussions of claims 5&8 above.

Regarding claim 15, the claimed limitations of claim 15 are accommodated in the discussions of claims 5&9 above.

Regarding claim 16, the claimed limitations of claim 16 are accommodated in the discussions of claims 5&10 above.

Regarding claim 17, the claimed limitations of claim 17 are accommodated in the discussions of claims 5&11 above.

Regarding claim 18, the claimed limitations of claim 18 are accommodated in the discussions of claim 1 above.

Regarding claim 19, the claimed limitations of claim 19 are accommodated in the discussions of claim 1 above.

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Regarding claim 20, the claimed limitations of claim 20 are accommodated in the discussions of claim 6 above.

Regarding claim 21, the claimed limitations of claim 21 are accommodated in the discussions of claim 6 above.

Regarding claim 22, the claimed limitations of claim 22 are accommodated in the discussions of claim 6 above.

Regarding claim 23, the claimed limitations of claim 23 are accommodated in the discussions of claim 6 above.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from this examiner should be directed to Christopher Onuaku whose telephone number is (703) 308-7555. The examiner can normally be reached on Tuesday to Thursday from 7:30 am to 5:00 pm. The examiner can also be reached on alternate Monday.

If attempts to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Andrew B. Christensen, can be reached on (703) 308-9644.

**Any response to this action should be mailed to:**

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Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

and (for informal or draft communications, please label "PROPOSED" or


"DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be  
directed to Customer Service whose telephone number is (703) 306-0377.

  
COO

12/23/03

  
THAI TRAN  
PRIMARY EXAMINER